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Oceans and the law of the sea

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Oceans and the law of the sea

The General Assembly,

Recalling its resolutions 49/28 of 6 December 1994, 52/26 of 26 November 1997, 54/33 of 24 November 1999, 57/141 of 12 December 2002, 58/240 of 23 December 2003, 59/24 of 17 November 2004 and other relevant resolutions concerning the United Nations Convention on the Law of the Sea ("the Convention"),[1]

Having considered the report of the Secretary-General on oceans and the law of the sea,[2] its addendum[3] and also the reports of the sixth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (the "Consultative Process"),[4] of the second International Workshop on the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects,[5] and of the fifteenth Meeting of States Parties to the Convention,[6]

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[1] See *The Law of the Sea: Official Texts of the United Nations Convention on the Law of the Sea of 10 December 1982 and of the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 with Index and Excerpts from the Final Act of the Third United Nations Conference on the Law of the Sea* (United Nations publication, Sales No. E.97.V.10).

[2] A/60/63.

[3] A/60/63/Add.2.

[4] A/60/99.

[5] A/60/91.

[6] SPLOS/135.

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Emphasizing the pre-eminent contribution provided by the Convention to the strengthening of peace, security, cooperation and friendly relations among all nations in conformity with the principles of justice and equal rights and to the promotion of the economic and social advancement of all peoples of the world, in accordance with the purposes and principles of the United Nations as set forth in the Charter of the United Nations, as well as for the sustainable development of the oceans and seas,

Emphasizing also the universal and unified character of the Convention, and reaffirming that the Convention sets out the legal framework within which all activities in the oceans and seas must be carried out, and that its integrity needs to be maintained, as recognized also by the United Nations Conference on Environment and Development in chapter 17 of Agenda 21,[7]

Conscious that the problems of ocean space are closely interrelated and need to be considered as a whole through an integrated, interdisciplinary and intersectoral approach, and reaffirming the need to improve cooperation and coordination at national, regional and global levels, in accordance with the Convention, to support and supplement the efforts of each State in promoting the implementation and observance of the Convention, and the integrated management and sustainable development of the oceans and seas,

Reiterating the essential need for cooperation, including through capacity-building and transfer of marine technology, to ensure that all States, especially developing countries, in particular the least developed countries and small island developing States, as well as coastal African States, are able both to implement the Convention and to benefit from the sustainable development of the oceans and seas, as well as to participate fully in global and regional forums and processes dealing with oceans and law of the sea issues,

Emphasizing the need to strengthen the ability of competent international organizations to contribute, at the global, regional, subregional and bilateral levels, through cooperation programmes with Governments, to the development of national capacity in marine science and sustainable management of the oceans and their resources,

Recalling that marine science is important for eradicating poverty, contributing to food security, conserving the world's marine environment and resources, helping to understand, predict and respond to natural events, and promoting the sustainable development of the oceans and seas, by improving knowledge, through sustained research efforts and the evaluation of monitoring results, and applying such knowledge to management and decision-making,

Recalling its decision, in resolutions 57/141 and 58/240, to establish a regular process under the United Nations for global reporting and assessment of the state of the marine environment, including socio-economic aspects, both current and foreseeable, building on existing regional assessments, as recommended by the

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[7] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992* (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: *Resolutions adopted by the Conference*, resolution 1, annex II.

World Summit on Sustainable Development,[8] and noting the need for cooperation among all States to this end,

Reiterating its concern at the adverse impacts on the marine environment and biodiversity, in particular on vulnerable marine ecosystems, including corals, of human activities, such as overutilization of living marine resources, the use of destructive practices, physical impacts by ships, the introduction of alien invasive species and marine pollution from all sources, including from land-based sources and vessels, in particular through the illegal discharge of oil and other harmful substances, the loss or release of fishing gear and the dumping of hazardous waste such as radioactive materials, nuclear waste and dangerous chemicals,

Recognizing that hydrographic surveys and nautical charting are critical to the safety of navigation and life at sea, environmental protection, including the protection of vulnerable marine ecosystems, and the economics of the global shipping industry, and recognizing also in this regard that the move towards electronic charting not only provides significantly increased benefits for safe navigation and management of ship movement, but also provides data and information that can be used for sustainable fisheries activities and other sectoral uses of the marine environment, the delimitation of maritime boundaries and environmental protection,

Noting with concern the continuing problem of transnational organized crime and threats to maritime safety and security, including piracy, armed robbery at sea and smuggling, and noting the deplorable loss of life and adverse impact on international trade resulting from such activities,

Noting the important role of the Commission on the Limits of the Continental Shelf ("the Commission") in assisting States Parties in the implementation of Part VI of the Convention, through the examination of information submitted by coastal States regarding the outer limits of the continental shelf beyond 200 nautical miles, and also noting the need to ensure the effective functioning of the Commission during a period of rapidly increasing workload, and noting in particular the need to ensure participation of the members of the Commission in its subcommissions,

Recognizing the importance and the contribution of the work of the Consultative Process over the past six years, established by General Assembly resolution 54/33 to facilitate the annual review of developments in ocean affairs by the Assembly and extended for three years by its resolution 57/141,

Noting the responsibilities of the Secretary-General under the Convention and related resolutions of the General Assembly, in particular its resolutions 49/28, 52/26 and 54/33, and in this context the increase in activities of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat ("the Division"), in particular in view of the growing number of requests to the Division for additional outputs and servicing of meetings, the increasing capacity-building activities and assistance to the Commission, and the role of the Division in inter-agency coordination and cooperation,

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[8] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex, para. 36 (b).

Emphasizing that underwater archaeological, cultural and historical heritage, including shipwrecks and watercrafts, holds essential information on the history of humankind and that such heritage is a resource that needs to be protected and preserved,

I. Implementation of the Convention and related agreements and instruments

1. *Reaffirms* its resolutions 49/28, 52/26, 54/33, 57/141, 58/240, 59/24 and other relevant resolutions concerning the Convention;

2. *Calls upon* all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Convention, and the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 ("the Agreement");[1]

3. *Calls upon* all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks ("the Fish Stocks Agreement");[9]

4. *Reaffirms* the unified character of the Convention and the need to preserve its integrity;

5. *Once again calls upon* States to harmonize, as a matter of priority, their national legislation with the provisions of the Convention, and, where applicable, relevant agreements and instruments, to ensure the consistent application of those provisions and to ensure also that any declarations or statements that they have made or make when signing, ratifying or acceding to the Convention do not purport to exclude or to modify the legal effect of the provisions of the Convention in their application to the State concerned and to withdraw any such declarations or statements;

6. *Calls upon* States Parties to the Convention to deposit with the Secretary-General charts or lists of geographical coordinates, as provided for in the Convention;

7. *Urges* all States to cooperate, directly or through competent international bodies, in taking measures to protect and preserve objects of an archaeological and historical nature found at sea, in conformity with the Convention, and calls upon States to work together on such diverse challenges and opportunities as the appropriate relationship between salvage law and scientific management and conservation of underwater cultural heritage, increasing technological abilities to discover and reach underwater sites, looting and growing underwater tourism;

8. *Notes* the effort made by the United Nations Educational, Scientific and Cultural Organization with respect to the preservation of underwater cultural heritage, and notes in particular the rules annexed to the 2001 Convention on the

[9] *International Fisheries Instruments with Index* (United Nations publication, Sales No. E.98.V.11), sect. I; see also A/CONF.164/37.

Protection of the Underwater Cultural Heritage[10] that address the relationship between salvage law and scientific principles of management, conservation and protection of underwater cultural heritage among parties, their nationals and vessels flying their flag;

II. Capacity-building

9. *Calls upon* donor agencies and international financial institutions to keep their programmes systematically under review to ensure the availability in all States, particularly in developing States, of the economic, legal, navigational, scientific and technical skills necessary for the full implementation of the Convention and the objectives of the present resolution as well as the sustainable development of the oceans and seas nationally, regionally and globally, and in doing so to bear in mind the interests and needs of landlocked developing States;

10. *Encourages* intensified efforts to build capacity for developing countries, in particular for the least developed countries and small island developing States, as well as coastal African States, to improve hydrographic services and the production of nautical charts, including electronic charts, as well as the mobilization of resources and building of capacity with support from international financial institutions and the donor community;

11. *Calls upon* States and international financial institutions, including through bilateral, regional and global cooperation programmes and technical partnerships, to continue to strengthen capacity-building activities, in particular in developing countries, in the field of marine scientific research by, inter alia, training the necessary skilled personnel, providing the necessary equipment, facilities and vessels and transferring environmentally sound technologies;

12. *Recognizes* the need to build the capacity of developing States to raise awareness of, and support implementation of, improved waste management practices, noting the particular vulnerability of small island developing States to the impact of marine pollution from land-based sources and marine debris;

13. *Recognizes also* the importance of assisting developing States, in particular the least developed countries and small island developing States, in implementing the Convention, and urges States, intergovernmental organizations and agencies, national institutions, non-governmental organizations and international financial institutions, as well as natural and juridical persons, to make voluntary financial or other contributions to the trust funds, as referred to in resolution 57/141, established for this purpose;

14. *Encourages* States to use the Criteria and Guidelines on the Transfer of Marine Technology, adopted by the Assembly of the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization;[11]

15. *Also encourages* States to assist developing States, and especially the least developed countries and small island developing States, as well as coastal

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[10] United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Thirty-first Session, Paris, 15 October-3 November 2001*, vol. 1 and corrigendum: *Resolutions*, resolution 24, annex.

[11] Intergovernmental Oceanographic Commission, information document 1203.

African States, on a bilateral and, where appropriate, regional level, in the preparation of submissions to the Commission regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles, including the assessment of the nature and extent of the continental shelf of a coastal State through a desktop study, and the delineation of the outer limits of its continental shelf;

16. *Commends with satisfaction* the Division upon the completion of the training manual, notes with appreciation the successful conduct of two regional training courses, and welcomes the intention to conduct two additional training courses before mid-2006, the purpose of which is to train technical staff of coastal developing States on the delineation of the outer limits of the continental shelf beyond 200 nautical miles and on the preparation of submissions to the Commission;

17. *Requests* the Secretary-General, in cooperation with States and relevant international organizations and institutions, to continue making such training courses available at the regional and also the subregional and national levels, as appropriate;

18. *Invites* States and others in a position to do so to support the capacity-building activities of the Division, including, in particular, the training activities to assist developing States in the preparation of their submissions to the Commission, and invites Member States and others to contribute to the new trust fund established by the Secretary-General for the Office of Legal Affairs to support the promotion of international law;

19. *Recognizes* the importance of the Hamilton Shirley Amerasinghe Memorial Fellowship Programme on the Law of the Sea, urges States and others in a position to do so to contribute to the further development of the Fellowship Programme, and takes note with satisfaction of the ongoing implementation of the United Nations and The Nippon Foundation Fellowship Programme, focusing on human resources development for developing coastal States Parties and non-parties to the Convention in the field of ocean affairs and the law of the sea or related disciplines;

III. Meeting of States Parties

20. *Welcomes* the report of the fifteenth Meeting of States Parties to the Convention;[6]

21. *Requests* the Secretary-General to convene the sixteenth Meeting of States Parties to the Convention in New York from 19 to 23 June 2006 and to provide the services required;

IV. Peaceful settlement of disputes

22. *Notes with satisfaction* the continued and significant contribution of the International Tribunal for the Law of the Sea ("the Tribunal") to the settlement of disputes by peaceful means in accordance with Part XV of the Convention, and underlines the important role and authority of the Tribunal concerning the interpretation or application of the Convention and the Agreement;

23. *Notes* that States Parties to an international agreement related to the purposes of the Convention may submit to, inter alia, the Tribunal or the International Court of Justice any dispute concerning the interpretation or application of that agreement which is submitted to it in accordance with that agreement, and notes also the possibility, provided for in the statutes of the Tribunal and the International Court of Justice, to submit disputes to a chamber;

24. *Equally pays tribute* to the important and long-standing role of the International Court of Justice with regard to the peaceful settlement of disputes concerning the law of the sea;

25. *Encourages* States Parties to the Convention that have not yet done so to consider making a written declaration choosing from the means set out in article 287 of the Convention for the settlement of disputes concerning the interpretation or application of the Convention and the Agreement;

V. The Area

26. *Notes with satisfaction* the progress of the discussions on issues relating to the regulations for prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts in the Area, and reiterates the importance of the ongoing elaboration by the International Seabed Authority ("the Authority"), pursuant to article 145 of the Convention, of rules, regulations and procedures to ensure the effective protection of the marine environment, the protection and conservation of the natural resources of the Area and the prevention of damage to its flora and fauna from harmful effects that may arise from activities in the Area;

27. *Takes note* of the decision of the Council of the Authority[12] to approve a plan of work for exploration of polymetallic nodules submitted by a new contractor, which is an important step towards the utilization of the resources in the Area;

28. *Takes note* of the importance of the responsibilities entrusted to the Authority by articles 143 and 145 of the Convention, which refer to marine scientific research and protection of the marine environment respectively;

VI. Effective functioning of the Authority and the Tribunal

29. *Appeals* to all States Parties to the Convention to pay their assessed contributions to the Authority and to the Tribunal in full and on time;

30. *Encourages* all States Parties to the Convention to attend the sessions of the Authority, and calls upon the Authority to pursue all options, including the issue of dates, in order to improve attendance in Kingston and ensure global participation;

31. *Calls upon* States that have not done so to consider ratifying or acceding to the Agreement on the Privileges and Immunities of the Tribunal[13] and to the Protocol on the Privileges and Immunities of the Authority;[14]

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[12] ISBA/11/C/10.
[13] SPLOS/25.
[14] ISBA/4/A/8, annex.

VII. The continental shelf and the work of the Commission

32. *Encourages* States Parties to the Convention that are in a position to do so to make every effort to submit information to the Commission regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles, in conformity with article 76 of the Convention and article 4 of its annex II, taking into account the decision of the eleventh Meeting of States Parties to the Convention;[15]

33. *Notes with satisfaction* the progress in the work of the Commission,[16] that it is giving current consideration to three new submissions that have been made regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles, and that a number of States have advised of their intention to make submissions in the near future;

34. *Approves* the convening by the Secretary-General of the seventeenth session of the Commission in New York from 20 March to 21 April 2006, and of the eighteenth session of the Commission in New York from 21 August to 15 September 2006, on the understanding that the following periods will be used for the technical examination of submissions at the GIS laboratories and other technical facilities of the Division: 20 to 31 March 2006; 10 to 21 April 2006; 23 August to 5 September 2006; and 11 to 15 September 2006;

35. *Takes note* of the steps undertaken by the Secretariat to improve the facilities for the use by the Commission, as well as of the additional requirements of the Commission,[17] and urges the Secretary-General to continue taking all necessary actions to ensure that the Commission can fulfil the functions entrusted to it under the Convention in light of its rapidly increasing workload;

36. *Encourages* States to make additional contributions to the voluntary trust funds established by resolution 55/7 of 30 October 2000, in its paragraphs 18 and 20, for the purpose of facilitating the preparation of submissions to the Commission for developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of the Convention, and for the purpose of defraying the cost of participation of the members of the Commission from developing States in the meetings of the Commission;

37. *Expresses its firm conviction* about the importance of the work of the Commission, carried out in accordance with the Convention, including with respect to the participation of the coastal State in relevant proceedings concerning its submission;

38. *Takes note* of the amendment to annex 3 of the rules of procedure of the Commission that allows for enhanced interaction between submitting States and the Commission;

39. *Encourages* States to continue exchanging views in order to increase understanding of issues, including expenditures involved, arising from the application of article 76 of the Convention, thus facilitating preparation of submissions by States, in particular developing States, to the Commission;

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[15] SPLOS/72.

[16] CLCS/44 and CLCS/48.

[17] A/60/63/Add.2.

40. *Requests* the Secretary-General, in cooperation with the Member States, to continue supporting and organizing workshops or symposia on scientific and technical aspects of the establishment of the outer limits of the continental shelf beyond 200 nautical miles, taking into account the deadline for submission;

VIII. Maritime safety and security and flag State implementation

41. *Encourages* States to ratify or accede to international agreements addressing the safety and security of navigation and to adopt the necessary measures consistent with the Convention, aimed at implementing and enforcing the rules contained in those agreements;

42. *Also encourages* States to draw up plans and to establish procedures to implement the Guidelines on Places of Refuge for Ships in Need of Assistance;[18]

43. *Welcomes* the convening of the ninety-fourth (Maritime) session of the International Labour Conference, from 7 to 23 February 2006, to adopt the consolidated maritime labour convention;

44. *Also welcomes* the efforts undertaken by the International Maritime Organization and the International Labour Organization to develop guidelines on fair treatment of seafarers in the event of a maritime accident, as a way of enhancing the protection of the basic human rights of seafarers detained in connection with maritime accidents;

45. *Notes* the progress in the implementation of the Action Plan for the Safety of Transport of Radioactive Material approved by the Board of Governors of the International Atomic Energy Agency in March 2004,[19] and encourages States concerned to continue their efforts in the implementation of all areas of the Action Plan;

46. *Also notes* that cessation of the transport of radioactive materials through the regions of small island developing States is an ultimate desired goal of small island developing States and some other countries, and recognizes the right of freedom of navigation in accordance with international law. States should maintain dialogue and consultation, in particular under the aegis of the International Atomic Energy Agency and the International Maritime Organization, with the aim of improved mutual understanding, confidence-building and enhanced communication in relation to the safe maritime transport of radioactive materials. States involved in the transport of such materials urged to continue to engage in dialogue with small island developing States and other States to address their concerns. These concerns include the further development and strengthening, within the appropriate forums, of international regulatory regimes to enhance safety, disclosure, liability, security and compensation in relation to such transport;[20]

47. *Once again urges* flag States without an effective maritime administration and appropriate legal frameworks to establish or enhance the necessary infrastructure, legislative and enforcement capabilities to ensure effective compliance with, and implementation and enforcement of, their responsibilities under international law and, until such action is undertaken, to consider declining

[18] International Maritime Organization, Assembly resolution A.949(23).

[19] See http:www.ns.iaea.org/meetings/rw-summaries/vienna-transport-safety-2003.htm.

[20] Resolution 60/1, para. 56 (o).

the granting of the right to fly their flag to new vessels, suspending their registry or not opening a registry, and calls upon flag and port States to take all measures consistent with international law necessary to prevent the operation of substandard vessels;

48. *Welcomes* the progress made by the International Maritime Organization on the establishment of a voluntary International Maritime Organization member State audit scheme, and looks forward to its further development within the International Maritime Organization;

49. *Looks forward* to the results of the ongoing work of the International Maritime Organization in cooperation with other competent international organizations, following the invitation extended to it in General Assembly resolutions 58/240 and 58/14, to examine and clarify the role of the "genuine link" in relation to the duty of flag States to exercise effective control over ships flying their flag, including fishing vessels, and the potential consequences of non-compliance with duties and obligations of flag States described in relevant international instruments;

50. *Encourages* States to cooperate to address threats to maritime safety and security, including piracy, armed robbery at sea, smuggling and terrorist acts against shipping, offshore installations and other maritime interests, through bilateral and multilateral instruments and mechanisms aimed at monitoring, preventing and responding to such threats;

51. *Urges* all States, in cooperation with the International Maritime Organization, to combat piracy and armed robbery at sea by adopting measures, including those relating to assistance with capacity-building through training of seafarers, port staff and enforcement personnel in the prevention, reporting and investigation of incidents, bringing the alleged perpetrators to justice, in accordance with international law, and by adopting national legislation, as well as providing enforcement vessels and equipment and guarding against fraudulent ship registration;

52. *Urges* States to become parties to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf,[21] takes note of the adoption of the 2005 Protocols amending those instruments on 14 October 2005,[22] and also urges States Parties to take appropriate measures to ensure the effective implementation of those instruments, through the adoption of legislation, where appropriate;

53. *Calls upon* States to effectively implement the International Ship and Port Facility Security Code and related amendments to the International Convention for the Safety of Life at Sea,[23] and to work with the International Maritime Organization to promote safe and secure shipping while ensuring freedom of navigation;

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[21] International Maritime Organization publication, Sales No. 462.88.12.E.

[22] International Maritime Organization, documents LEG/CONF.15/21 and LEG/CONF.15/22.

[23] Ibid., documents SOLAS/CONF.5/32 and 34.

54. *Also calls upon* States to ensure freedom of navigation and the rights of transit passage and innocent passage in accordance with international law, in particular the Convention;

55. *Welcomes* the work of the International Maritime Organization relating to the protection of shipping lanes of strategic importance and significance, and in particular in enhancing the safety, security and environmental protection in straits used for international navigation, and calls upon the International Maritime Organization, States bordering straits and user States to continue their cooperation efforts to keep such straits safe and open to international navigation at all times, consistent with international law, in particular the Convention;

56. *Calls upon* user States and States bordering straits for international navigation to cooperate by agreement on matters relating to navigational safety, including safety aids for navigation, and the prevention, reduction and control of pollution from ships;

57. *Welcomes* the progress in regional cooperation in some geographical areas, through the Jakarta Statement on Enhancement of Safety, Security and Environmental Protection in the Straits of Malacca and Singapore, adopted on 8 September 2005,[24] and the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia, adopted on 11 November 2004 in Tokyo, and urges States to give urgent attention to adopting, concluding and implementing cooperation agreements at the regional level in high risk areas;

58. *Urges* States that have not yet done so to become parties to the Protocol against the Smuggling of Migrants by Land, Sea and Air supplementing the United Nations Convention against Transnational Organized Crime[25] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[26] and to take appropriate measures to ensure their effective implementation;

59. *Calls upon* States to cooperate to ensure that persons are rescued at sea and delivered to a place of safety, and urges States to take all necessary measures to ensure the effective implementation of the amendments to the International Convention on Maritime Search and Rescue[27] and to the International Convention for the Safety of Life at Sea[28] relating to the delivery of persons rescued at sea to a place of safety upon their entry into force, as well as of the associated Guidelines on the Treatment of Persons Rescued at Sea;[29]

60. *Welcomes* the adoption by the International Hydrographic Organization of the "World Hydrography Day", to be celebrated annually on 21 June, with the aim of giving suitable publicity to its work at all levels and of increasing the coverage of hydrographic information on a global basis, and urges all States to work with that organization to promote safe navigation, especially in the areas of

[24] A/60/529, annex II.
[25] Resolution 55/25, annex III.
[26] Ibid., annex II.
[27] International Maritime Organization, document MSC/78/26/Add.1, annex 5, resolution MSC.155(78).
[28] Ibid., annex 3, resolution MSC.153(78).
[29] Ibid., annex 34, resolution MSC.167(78).

international navigation, ports and where there are vulnerable or protected marine areas;

IX. Marine environment, marine resources, marine biodiversity and the protection of vulnerable marine ecosystems

61. *Emphasizes once again* the importance of the implementation of Part XII of the Convention in order to protect and preserve the marine environment and its living marine resources against pollution and physical degradation, and calls upon all States to cooperate and take measures, directly or through competent international organizations, for the protection and preservation of the marine environment;

62. *Encourages* States to ratify or accede to international agreements addressing the protection and preservation of the marine environment and its living marine resources against pollution and physical degradation, as well as agreements that provide for compensation for damage resulting from marine pollution, and to adopt the necessary measures consistent with the Convention, aimed at implementing and enforcing the rules contained in those agreements;

63. *Also encourages* States to ratify or accede to the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972,[30] in order to ensure the timely entry into force of the Protocol;

64. *Further encourages* States, in accordance with the Convention and other relevant instruments, either bilaterally or regionally, to jointly develop and promote contingency plans for responding to pollution incidents, as well as other incidents that are likely to have significant adverse effects on the marine environment and biodiversity;

65. *Notes* the lack of information and data on marine debris, encourages relevant national and international organizations to undertake further studies on the extent and nature of the problem, also encourages States to develop partnerships with industry and civil society to raise awareness of the extent of the impact of marine debris on the health and productivity of the marine environment and consequent economic loss;

66. *Urges* States to integrate the issue of marine debris within national strategies dealing with waste management in the coastal zone, ports and maritime industries, including recycling, reuse, reduction and disposal, and to encourage the development of appropriate economic incentives to address this issue, including the development of cost recovery systems that provide an incentive to use port reception facilities and discourage ships from discharging marine debris at sea, and encourages States to cooperate regionally and subregionally to develop and implement joint prevention and recovery programmes for marine debris;

67. *Invites* the International Maritime Organization, in consultation with relevant organizations and bodies, to review annex V to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, and to assess its effectiveness in addressing sea-based sources of marine debris;

[30] IMO/LC.2/Circ.380.

68. *Welcomes* the continued work of the International Maritime Organization relating to port waste reception facilities, and notes the work done to identify problem areas and develop an action plan addressing the inadequacy of such facilities;

69. *Calls upon* States to take all appropriate measures to control, reduce and minimize, to the fullest extent possible, marine pollution from land-based sources as part of their national sustainable development strategies and programmes, in an integrated and inclusive manner, and to advance the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities[31] and the Montreal Declaration on the Protection of the Marine Environment from Land-based Activities;[32]

70. *Welcomes* the convening of the Second Intergovernmental Review Meeting of the Global Programme of Action in Beijing from 16 to 20 October 2006 as an opportunity to discuss marine debris in relation to the source categories of the Global Programme of Action, and urges broad high-level participation;

71. *Also welcomes* the continued work of States, the United Nations Environment Programme and regional organizations in the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, and encourages increased emphasis on the link between freshwater, the coastal zone and marine resources in the implementation of international development goals, including those contained in the United Nations Millennium Declaration[33] and of the time-bound targets in the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg Plan of Implementation"),[34] in particular the target on sanitation, and the Monterrey Consensus of the International Conference on Financing for Development;[35]

72. *Notes* the work under the Jakarta Mandate on Marine and Coastal Biological Diversity,[36] and the Convention on Biological Diversity elaborated programme of work on marine and coastal biological diversity;[37]

73. *Reaffirms* the need for States and competent international organizations to urgently consider ways to integrate and improve, based on the best available scientific information and in accordance with the Convention and related agreements and instruments, the management of risks to the marine biodiversity of seamounts, cold water corals, hydrothermal vents and certain other underwater features;

74. *Also reaffirms* the need for States to continue their efforts to develop and facilitate the use of diverse approaches and tools for conserving and managing vulnerable marine ecosystems, including the possible establishment of marine

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[31] A/51/116, annex II.

[32] See A/57/57, annex I.B.

[33] See resolution 55/2.

[34] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

[35] *Report of the International Conference on Financing for Development, Monterrey, Mexico, 18-22 March 2002* (United Nations publication, Sales No. E.02.II.A.7), chap. I, resolution 1, annex.

[36] A/51/312, annex II, decision II/10.

[37] UNEP/CBD/COP/7/21, annex, decision VII/5, annex I.

protected areas, consistent with international law and based on the best scientific information available, and the development of representative networks of any such marine protected areas by 2012;

75. *Notes* the work of States, relevant intergovernmental organizations and bodies, including the Convention on Biological Diversity, in the assessment of scientific information on, and compilation of ecological criteria for the identification of, marine areas that require protection, in light of the objective of the World Summit on Sustainable Development to develop and facilitate the use of diverse approaches and tools such as the establishment of marine protected areas consistent with international law and based on scientific information, including representative networks by 2012;

76. *Notes* the Millennium Ecosystem Assessment Synthesis report[38] and the urgent need to protect the marine biodiversity expressed therein;

77. *Calls upon* States and international organizations to urgently take action to address, in accordance with international law, destructive practices that have adverse impacts on marine biodiversity and ecosystems, including seamounts, hydrothermal vents and cold water corals;

78. *Takes note* of the report of the Secretary-General relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction,[39] prepared and released in response to the request in paragraph 74 of its resolution 59/24;

79. *Decides* that the meeting of the Ad Hoc Open-ended Informal Working Group established in paragraph 73 of its resolution 59/24, shall be open to all States Members of the United Nations and all Parties to the Convention, with others invited as observers in accordance with past practice of the United Nations, and noting that the meeting may be conducted in closed sessions, as appropriate;

80. *Decides also* that the meeting of the Working Group will be coordinated by two co-chairpersons, who will be appointed by the President of the General Assembly in consultation with Member States and taking into account the need for representation from developed and developing countries;

81. *Reiterates its support* for the International Coral Reef Initiative, takes note of the International Coral Reef Initiative General Meeting, held in Mahe, Seychelles, from 25 to 27 April 2005, supports the work under the Jakarta Mandate on Marine and Coastal Biological Diversity and the elaborated programme of work on marine and coastal biological diversity related to coral reefs, and notes the progress that the International Coral Reef Initiative and other relevant bodies have made to incorporate cold water coral ecosystems into their programmes and activities and to promote the conservation and sustainable use of all coral reef resources;

82. *Encourages* States to cooperate, directly or through competent international bodies, in exchanging information in the event of accidents involving vessels on coral reefs and in promoting the development of economic assessment techniques for both restoration and non-use values of coral reef systems;

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[38] See http://www.millenniumassessment.org/en/Products.Synthesis.aspx.

[39] A/60/63/Add.1.

83. *Emphasizes* the need to mainstream sustainable coral reef management and integrated watershed management into national development strategies, as well as into the activities of relevant United Nations agencies and programmes, international financial institutions and the donor community;

84. *Encourages* further studies and consideration of the impacts of ocean noise on marine living resources;

X. Marine science

85. *Calls upon States*, individually, or in collaboration with each other or with relevant international organizations and bodies, to improve understanding and knowledge of the deep sea, including, in particular, the extent and vulnerability of deep sea biodiversity and ecosystems, by increasing their marine scientific research activities in accordance with the Convention;

86. *Notes* the contribution of the Census of Marine Life to marine biodiversity research, and encourages participation in this initiative;

87. *Takes note with appreciation* of the work of the Advisory Body of Experts on the Law of the Sea of the Intergovernmental Oceanographic Commission on the practice of member States of the Intergovernmental Oceanographic Commission in the application of Parts XIII and XIV of the Convention, and notes the recommendations endorsed by the Intergovernmental Oceanographic Commission as a result of this work;

88. *Welcomes* the adoption by the Assembly of the Intergovernmental Oceanographic Commission of the procedure for the application of article 247 of the Convention by the Intergovernmental Oceanographic Commission;[40]

XI. Regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects

89. *Endorses* the conclusions of the second International Workshop on the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects ("the regular process");

90. *Decides* to launch the start-up phase, the "assessment of assessments", to be completed within two years,[5] as a preparatory stage towards the establishment of the regular process;

91. *Also decides* to establish an organizational arrangement that includes an ad hoc steering group to oversee the execution of the "assessment of assessments", two United Nations agencies to co-lead the process and a group of experts;

92. *Establishes* the Ad Hoc Steering Group with the following composition:

(a) One representative from each Member State to be appointed by the President of the General Assembly, in consultation with Member States and regional groups, ensuring an adequate range of expertise, and on an equitable geographical basis as follows: five Member States from the African Group, five Member States from the Asian Group, two Member States from the Eastern European Group, three Member States from the Latin American and Caribbean Group, and three Member

[40] IOC Assembly resolution XXIII-8.

States from the Western European and other States Group, with the understanding that agency funding support for such experts is subject to availability of funds;

(b) One representative from each of the following United Nations bodies and related international organizations: the Food and Agriculture Organization of the United Nations, the World Meteorological Organization, the International Maritime Organization, the Intergovernmental Oceanographic Commission and the United Nations Environment Programme, as well as the International Seabed Authority;

93. *Sets forth* the following functions to be performed by the Ad Hoc Steering Group:

(a) To approve the composition of the group of experts, to be proposed by the lead agencies and communicate this composition to the Member States of the United Nations;

(b) To decide on a work programme for the "assessment of assessments", to be proposed by the group of experts through the lead agencies, and to distribute it to the States Members of the United Nations;

(c) To provide for an open-ended mid-term review of the work and progress made so far, in order to give all States Members of the United Nations an opportunity to comment on and contribute to the development of the ongoing work carried out under the "assessment of assessments";

(d) To give guidance, consistent with the conclusions of the second International Workshop, to the lead agencies and the group of experts, if required;

94. *Determines* that the lead agencies shall undertake the following actions, under the guidance of the Ad Hoc Steering Group, in addition to contributing to the work in accordance with their own mandate:

(a) To provide secretariat services to the Ad Hoc Steering Group;

(b) To coordinate the work in collaboration with relevant United Nations bodies, organizations and programmes and related international organizations;

(c) To establish a group of experts, upon approval by the Ad Hoc Steering Group, to undertake the actual work of assessing the various assessments, taking into account the importance of adequate participation of experts from developing countries within this group;

(d) To prepare a report on the results of the "assessment of assessments" for the General Assembly;

95. *Invites* the United Nations Environment Programme and the Intergovernmental Oceanographic Commission to jointly undertake the role of lead agencies, under the guidance of the Ad Hoc Steering Group;

96. *Decides* that the execution of the "assessment of assessments", including the activities of the Ad Hoc Steering Group and the group of experts, be financed through voluntary contributions and other resources available to participating organizations and bodies, and invites Member States in a position to do so to make contributions;

XII. Regional cooperation

97. *Notes* that there have been a number of initiatives at the regional level, in various regions, to further the implementation of the Convention, takes note in this context of the Caribbean-focused Assistance Fund, which is intended to facilitate, mainly through technical assistance, the voluntary undertaking of maritime delimitation negotiations between Caribbean States, takes note once again of the Fund for Peace: Peaceful Settlement of Territorial Disputes, established by the General Assembly of the Organization of American States in 2000 as a primary mechanism, given its broader regional scope, for the prevention and resolution of pending territorial, land border and maritime boundary disputes, and calls upon States and others in a position to do so to contribute to these funds;

98. *Takes note* of the Second Asia-Pacific Economic Cooperation Oceans-related Ministerial Meeting, held on 16 and 17 September 2005 in Bali, Indonesia, in particular the Joint Ministerial Statement and the Bali Plan of Action, which recognize the important contribution provided by the oceans and their resources to the sustainable economic growth and the well-being of the Asia-Pacific region;

XIII. Open-ended informal consultative process on oceans and the law of the sea

99. *Reaffirms* its decision to undertake an annual review and evaluation of the implementation of the Convention and other developments relating to ocean affairs and the law of the sea, welcomes the work of the Consultative Process over the past six years, notes the contribution of the Consultative Process to strengthening the annual debate of the General Assembly on oceans and the law of the sea, and decides to continue with the Consultative Process for the next three years, in accordance with its resolution 54/33, with a further review of its effectiveness and utility by the Assembly at its sixty-third session;

100. *Recognizes* the need to strengthen and improve the efficiency of the Consultative Process, and encourages States, intergovernmental organizations and programmes to provide guidance to the co-chairpersons to this effect, particularly before and during the preparatory meeting for the Consultative Process;

101. *Requests* the Secretary-General to convene the seventh meeting of the Consultative Process in New York from 12 to 16 June 2006, to provide it with the necessary facilities for the performance of its work and to arrange for support to be provided by the Division, in cooperation with other relevant parts of the Secretariat, as appropriate;

102. *Encourages* States to make additional contributions to the voluntary trust fund, established pursuant to resolution 55/7, for the purpose of assisting developing countries, in particular least developed countries, small island developing States and landlocked developing States, in attending the meetings of the Consultative Process;

103. *Recommends* that, in its deliberations on the report of the Secretary-General on oceans and the law of the sea at its meeting, the Consultative Process should focus its discussions on the following topic/s: "Ecosystem approaches and oceans";

XIV. Coordination and cooperation

104. *Encourages* States to work closely with and through international organizations, funds and programmes as well as the specialized agencies of the United Nations system and relevant international conventions to identify emerging areas of focus for improved coordination and cooperation and how best to address these issues;

105. *Requests* the Secretary-General to bring the present resolution to the attention of heads of intergovernmental organizations, the specialized agencies, funds and programmes of the United Nations engaged in activities relating to ocean affairs and the law of the sea, as well as funding institutions, and underlines the importance of their constructive and timely input for the report of the Secretary-General on oceans and the law of the sea and of their participation in relevant meetings and processes;

106. *Welcomes* the work done by the secretariats of relevant United Nations specialized agencies, programmes, funds and bodies and the secretariats of related organizations and conventions to enhance inter-agency coordination and cooperation on ocean issues, including through UN-Oceans, the inter-agency coordination mechanism on ocean and coastal issues within the United Nations system;

107. *Encourages* continued updates to Member States by UN-Oceans regarding its priorities and initiatives, in particular with respect to the proposed participation in UN-Oceans;

XV. Activities of the Division for Ocean Affairs and the Law of the Sea

108. *Expresses its appreciation* to the Secretary-General for the annual comprehensive report on oceans and the law of the sea, prepared by the Division, as well as for the other activities of the Division, which reflect the high standard of assistance provided to Member States by the Division;

109. *Requests* the Secretary-General to continue to carry out the responsibilities and functions entrusted to him in the Convention and by the related resolutions of the General Assembly, including its resolutions 49/28 and 52/26, and to ensure the allocation of appropriate resources to the Division for the performance of its activities under the approved budget for the Organization;

XVI. Sixty-first session of the General Assembly

110. *Requests* the Secretary-General to prepare a comprehensive report, in its current comprehensive format and in accordance with established practice, for the consideration of the General Assembly at its sixty-first session, on developments and issues relating to ocean affairs and the law of the sea, including the implementation of the present resolution, in accordance with its resolutions 49/28, 52/26 and 54/33, and to make the report available at least six weeks in advance of the meeting of the Consultative Process;

111. *Emphasizes* the critical role of the annual comprehensive report of the Secretary-General, which integrates information on developments relating to the implementation of the Convention and the work of the Organization, its specialized agencies and other institutions in the field of ocean affairs and the law of the sea at the global and regional levels, and as a result constitutes the basis for the annual

consideration and review of developments relating to ocean affairs and the law of the sea by the General Assembly as the global institution having the competence to undertake such a review;

112. *Notes* that the report referred to in paragraph 110 above will also be presented to States Parties pursuant to article 319 of the Convention regarding issues of a general nature that have arisen with respect to the Convention;

113. *Notes* the desire to further improve the efficiency of, and effective participation of delegations in, the informal consultations concerning the annual resolution on oceans and the law of the sea and the resolution on sustainable fisheries of the General Assembly, decides to limit the period of the informal consultations on both resolutions to a maximum of four weeks in total and to ensure that the consultations are scheduled in such a way as to avoid overlap with the period during which the Sixth Committee is meeting and that the Division has sufficient time to produce the report referred to in paragraph 110 above;

114. *Decides* to include in the provisional agenda of its sixty-first session the item entitled "Oceans and the law of the sea".